

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )  
                                )  
JOSE A. ESPINOZA,         )  
                                )  
Defendant.                 )

4:10CR3113

MEMORANDUM AND ORDER

Following the telephone conference held on May 9, 2011, the court was again advised that Glenn Shapiro has been retained to represent the defendant. Mr. Shapiro has not entered an appearance as counsel for the defendant.

Accordingly,

IT IS ORDERED:

- 1) A telephonic status conference will be held before the undersigned magistrate judge on May 17, 2011 at 11:00 a.m. If new counsel has not entered an appearance for the defendant before the status conference, the court will confer with counsel and promptly set this case for trial. If new defense counsel has entered an appearance, further case progression will be discussed during the conference call. **Counsel for the government shall place the call.**
- 2) The additional time incurred while determining the status of defendant's representation, the time between May 9, 2011 and May 17, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration the due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 10th day of May, 2011.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge